

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

WYNN LAS VEGAS, LLC

and

Cases: 28–CA–155984
28–CA–157203

KELI P. MAY

and

KANIE KASTROLL

NOTICE TO SHOW CAUSE

On September 26, 2016, Administrative Law Judge Gerald M. Etchingham issued a decision addressing complaint allegations that the Respondent violated Section 8(a)(1) by maintaining certain work rules or policies. The judge applied the “reasonably construe” prong of the Board’s decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). The judge also addressed other alleged unfair labor practices. Recently, the Board overruled the *Lutheran Heritage* “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 16-18 (2017). Having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before November 20, 2018 (with affidavit of service on the parties to this proceeding), why the complaint allegations involving the maintenance of allegedly unlawful work rules or policies should not be severed and remanded to the administrative law judge for further proceedings consistent with the Board’s decision in *Boeing*, including reopening the record if necessary. Any response should address

whether a remand would affect the Board's ability to resolve the remaining complaint allegations, including whether those allegations should be severed and retained or instead included in the remand. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., November 6, 2018.

By direction of the Board:

/s/ Roxanne L. Rothschild

Acting Executive Secretary